



2009 JUL -8 PM 2: 17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Alexander van der Lely

Application No.: 10/073,023

Filed: February 12, 2002

For: Device and a Method of Milking an
Animal, a Device for Monitoring an
Animal

Confirmation No. 8401

Art Unit: 3644

Examiner: Yvonne Renee Abbott

Atty. Docket: 04132.0125.000000

**REQUEST AND PETITION UNDER 37 CFR §1.28(C) TO ACCEPT DEFICIENCY IN
PAYMENT OF MAINTENANCE FEES ERRONEOUSLY PAID UNDER SMALL
ENTITY STATUS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On December 12, 2008 a REQUEST FOR CORRECTION OF ENTITY STATUS AND PETITION UNDER 37 CFR §1.28(C) TO ACCEPT DEFICIENCY IN PAYMENT OF FEES was filed with the USPTO regarding the above-referenced patent. This Request and Petition omits the maintenance fee summarized in the table below, and this present request is to correct said maintenance fee.

Therefore, pursuant to the Request and Petition filed on December 12, 2008, and the loss of entity status noted therein, Assignee requests that the Office accept and process the deficiency payment submitted in accordance with 37 CFR 1.28(C). The requirements pertaining to calculation of the deficiency owed and itemization of the deficiency payment in accordance with 37 CFR 1.28(C)(2) can be found in the table below.

Type of Fee	Fee Amount Erroneously Paid as a Small Entity	Correct Fee	Deficiency Owed
4 th Year Maintenance Fee paid on 03/06/2009	\$490.00	\$980.00	\$490
TOTAL DEFICIENCY OWED			\$490.00

Additionally, form PTO/SB/45, is submitted herewith for correction of the Maintenance Fees paid under small entity status.

Since any deficiency payment submitted under 37 C.F.R. 1.28(c) will be treated under §1.27(g)(2) as a loss of entitlement to small entity status, Applicants expect to receive future notices of maintenance fees due in the large entity amount.

The Commissioner is authorized to charge this fee to Deposit Account No. 08-3038, referencing docket number 04132.0125.000000. Further, any other fees deemed necessary for processing of this request, including any petition fees, is also authorized to be charged to Deposit Account No. 08-3038, referencing the above docket number. The USPTO representative processing this request is invited to contact the undersigned attorney at 202-383-6500 with any questions, comments or suggestions relating to the referenced patent application..

Acceptance and correction of the entity status and corresponding fees are respectfully requested.

Respectfully submitted,



Michael J. Bell (Reg. No. 39,604)
Attorney of Record

Date: 7/7/09